

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MISTY YOUNG,

Plaintiff,

vs.

HARBAUGH LAS VEGAS CORP., *et al.*,

Defendants.

2:12-cv-01404-RCJ-VCF

ORDER

**(Motion For Leave to Amend Answer #41,
Motion For Leave to File Crossclaims #43,
Motion For Leave to File Third Party
Complaint #44)**

G4 SOLUTIONS (USA) INC.,

Third Party Plaintiff,

vs.

NATHAN WELCH, an individual,

Third Party Defendant.

NATHAN WELCH, an individual,

Third Party Plaintiff/
Third Party Defendant,

vs.

MISTY YOUNG, individually,

Third Party Defendant/
Third Party Plaintiff.

Before the court are defendant Harbaugh Las Vegas Corporation's ("Harbaugh") Motions for Leave to File Amended Answer (#41), Crossclaims against G4S Secure Solutions ("G4S") (#43), and Third-Party Complaint against Nathan Welch (#44).¹ No Opposition was filed.

¹The three motions are identical. The Clerk's office split the document titled "Defendant Harbaugh's Motion For Leave To File Amended Answer To Amended Complaint and Cross-Claim Against G4S Secure Solutions (USA) Inc., and Third-Party Complaint Against Nathan Welch" into three separate motions (#41, #43, and #44) pursuant to Special Order 109. The court will handle the three motions (#41, #43, #44)(collectively referred to as #41) together.

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2 **A. Background**

3 This action arises out of an incident that allegedly occurred on June 3, 2011, between plaintiff
4 Misty Young (“Young”) and third-party defendant Welch. (#36). At the time of the alleged incident,
5 Young and Welch were both apprentice carpenters, staying at the union’s dormitory while they attended
6 a training program. (#33). The union contracted with defendant Harbaugh to run the dormitory. *Id.*
7 Harbaugh contracted with G4S to provide security and manpower to operate the dormitory during the
8 graveyard shift. *Id.* Plaintiff Young alleges that defendant Harbaugh’s employee provided Welch with
9 access to Young’s room. (#15). The plaintiff further alleges that she was sexually assaulted by Welch,
10 resulting in severe bodily injury. *Id.*

11 Plaintiff Young filed an amended complaint on September 11, 2012, alleging causes of action
12 against defendants Harbaugh and G4S for (1) Negligence, premises liability; (2) Negligence, hiring and
13 supervision; and (3) Conscious Disregard, exemplary and punitive damages. (#15). On October 23,
14 2012, G4S filed an answer to the amended complaint (#15) and a third-party complaint against Welch.
15 (#21). On November 29, 2012, Harbaugh filed an answer to the amended complaint. (#26). On
16 February 15, 2013, Harbaugh filed a motion for leave to file crossclaims against G4S and a third-party
17 complaint against Welch. (#33). G4S filed an opposition. (#36). Harbaugh filed a Reply to G4S’s
18 opposition. (#37). Welch did not file an opposition to the motion for leave to file a third-party
19 complaint (#33). The court issued an order denying, without prejudice, the motion for leave to file
20 crossclaims against G4S and third-party complain against Welch. (#40). On April 18, 2013, Harbaugh
21 filed the instant motion for leave to file an amended answer to amended complaint and crossclaims
22 against G4S and third-party complaint against Welch. (#41). No opposition was filed.

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B. Motion for Leave to Amend Answer

On February 15, 2013, defendant Harbaugh sought leave of this court to file crossclaims against G4S and a third party complaint against Welch. (#33). On April 5, 2013, the court issued an order denying without prejudice Harbaugh's motion for leave to file crossclaims and third party complaint (#33). (#40). The court ordered that, on or before April 19, 2013, Harbaugh may (1) re-file the motion for leave to amend its answer with an attached proposed amended answer including the crossclaims and third party complaint or (2) re-file the motion for leave to amend its answer with an attached proposed amended answer including only the crossclaims and a separate proposed third-party complaint. *Id.*

Upon review of Harbaugh's motion (#41) and attached proposed amended answer (#41-1)², the court finds that defendant Harbaugh has complied with the court's order (#40) and that granting leave is appropriate. *See* Federal Rule of Civil Procedure 15. Under Local Rule 15-1(b), "[a]fter the Court has filed its order granting permission to amend, the moving party shall file and serve the amended pleading." As the court grants Harbaugh's motion (#41), Harbaugh must file and serve the amended answer (#41-1) on or before May 6, 2013.

Accordingly and for good cause shown,

IT IS ORDERED that defendant Harbaugh's Motion For Leave to Amend file Motion For Leave to Amend Answer (#41), Motion For Leave to File Crossclaims (#43), Motion For Leave to File Third Party Complaint (#44) are GRANTED.

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² Harbaugh's proposed amended answer includes its crossclaims against G4S and its third party complaint against Welch. (#41-1).

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2 IT IS FURTHER ORDERED that, on or before May 6, 2013, Harbaugh must file and serve the
3 amended answer (#41-1).

4 DATED this 22nd day of April, 2013.



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6 CAM FERENBACH
7 UNITED STATES MAGISTRATE JUDGE
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